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**OFFICE OF PETITIONS**

In re Application of  
Scott A. WALDMAN  
Application No. 09/724,983  
Filed: November 28, 2000  
Attorney Docket No. TJU-2444

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed August 23, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of November 22, 2004. A Notice of Appeal along with a three (3) month extension of time under the provisions of 37 CFR 1.136(a) was filed May 23, 2005. On December 23, 2005 a Request for Continued Examination (RCE) along with a five (5) month extension of time under the provisions of 37 CFR 1.136(a) was obtained. The RCE was improper as it did not include a proper submission which included a reply which is responsive within the meaning of 37 CFR 1.111 to the last outstanding Office action; nonetheless the RCE is treated as a request to withdraw the appeal and to reopen prosecution of the application before the examiner. See 37 CFR 1.114(d) and MPEP 706.07(h)(X). Therefore, the application became abandoned on December 24, 2005.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an Information Disclosure Statement and amendment; (2) the petition fee of \$1500; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the final Office Action of November 22, 2004 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to David A. Bucci at (571) 272-7099.

The application file is being referred to Technology Center AU 1642 for appropriate action on the concurrently filed amendment and Information Disclosure Statement.

A handwritten signature in black ink, appearing to read 'David Bucci', is written over the printed name.

David Bucci  
Petitions Examiner  
Office of Petitions